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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,574	10/24/2003	Bekim Demiroski	MSFT-2847/305642.03	2143
41505	7590	10/10/2006	EXAMINER	
WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)			CORRIELUS, JEAN M	
ONE LIBERTY PLACE - 46TH FLOOR				
PHILADELPHIA, PA 19103			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/693,574

**Applicant(s)**

DEMIROSKI ET AL.

**Examiner**

Jean M. Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 18-21, 28-31 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 18-21, 28-31 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to the election of the restriction requirement filed on July 19, 2006, in which claims 1-5, 19-21, 28-31 and 38 are presented for examination.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) filed on May 06, 2004 and January 24, 2005 complies with the provisions of M.P.E.P 609. It has been placed in the application file. The information referred to therein has been considered as to the merits.

#### ***Drawings***

3. Applicants are required to furnish the formal drawings in response to this office action if the formal drawings have not been submitted. No new matter may be introduced in the required drawings. Failure to timely submit a drawing will result in ABANDONMENT of the application.

#### ***Claim Objections***

4. The claims are objected to because they include reference, which is enclosed within parentheses. Such reference is not used as an element essential to the claims. If the applicant wants this language to be considered. It is advised to remove such a claimed language in the parentheses. It is important to note that reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

***Duplicate Claims, Warning***

5. Applicant is advised that should claims 28-31 be found allowable, claim 18-21 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-5, 19-21, 28-31 and 38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically, as directed to an abstract idea.

Claims 1-5, 19-21, 28-31 and 38 in view of **MPEP section 2106 IV.B.2. (b)** define non-statutory processes because they merely manipulate an abstract idea. More specifically, claims 1, 10 and 12 recite a utilization of a strongly typed instance to extend said item, said extension constituting a discrete storable unit of information that can manipulated by said hardware/software interface system". Such limitations of the claims are just an abstract idea without product a concrete result. There is no manipulation of data nor there's any transformation of data from one state to another being performed. Actually, no post computer process activity and no physical transformation are found in the claims. Therefore, claims 1-5, 18-21, 28-31 and 38 are directed to an abstract idea that is not tied to a technological art, environment or machine which would produce a concrete and useful result to form the basis of

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statutory subject matter under 35 U.S.C. 101.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-5, 18-21, 28-31 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 18, 28 and 38 recite, "a utilization of a strongly typed instance to extend said item, said extension constituting a discrete storable unit of information that can manipulated by said hardware/software interface system". It is not clear as to what the kind of utilization the Applicant is considered to be the strongly typed instance. Applicant is advised to amend the claims to clarify such language in the claims. The claims recite "information than can be manipulated". It is not certain to one having ordinary skill in the art that the information would be manipulated.

10. Claims 1, 18, 28 and 38 recite the limitation "the utilization" in 3. There is insufficient antecedent basis for this limitation in the claim.

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11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claim 1-5, 18-21, 28-31 and 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The recited language of claims 1, 18, 28 and 38 does not appear in combination with another recited element in the claims, which is subject to an undue breadth first paragraph (In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983)).

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-5, 19-21, 28-31 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Agrawal et al., (hereinafter "Agrawal") US Patent No. 6,324,533.

As to claim 1, Agrawal discloses the claimed "the utilization of a strongly typed instance (an "Extension") to extend said Item, said Extension constituting a discrete storable unit of information that can be manipulated by said hardware/software interface system" (col.7, lines 49-62; col.11, lines 2-22, lines 38-47; col.12, lines 48-56; col.13, lines 6-11; col.14, lines 2-12; and col.15, lines 25-42).

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As to claim 2, Agrawal discloses the claimed “wherein said Extension is attached to said Item” (col.7, lines 49-62; col.11, lines 2-22, lines 38-47; col.12, lines 48-56; col.13, lines 6-11; col.14, lines 2-12; and col.15, lines 25-42).

As to claim 3, Agrawal discloses the claimed “wherein said Extension cannot exist independently from said Item, such that if said Item ceases to exist, said Extension also ceases to exist” (col.7, lines 49-62; col.11, lines 2-22, lines 38-47; col.12, lines 48-56; col.13, lines 6-11; col.14, lines 2-12; and col.15, lines 25-42).

As to claim 4, Agrawal discloses the claimed “wherein said Item is extended by a plurality of extensions” (col.7, lines 49-62; col.11, lines 2-22, lines 38-47; col.12, lines 48-56; col.13, lines 6-11; col.14, lines 2-12; and col.15, lines 25-42).

As to claim 5, Agrawal discloses the claimed “wherein said plurality of Extensions is used to model overlapping type instances” (col.7, lines 49-62; col.11, lines 2-22, lines 38-47; col.12, lines 48-56; col.13, lines 6-11; col.14, lines 2-12; and col.15, lines 25-42).

As to claims 18-21:

Claims 18-21 are system claims for performing the method of claims 1-5 above. They are, therefore, rejected under the same rationale.

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As to claims 28-31:

Claims 28-31 are a duplicate of claims 18-21 above.

As to claim 38:

Claim 38 is a computer readable medium comprising instruction for executing the method of claims 1-5 above. They are, therefore, rejected under the same rationale.

### *Conclusion*

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032.

The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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A handwritten signature in black ink, appearing to read 'Jean M. Corrielus', written over a horizontal line.

Jean M Corrielus  
Primary Examiner  
Art Unit 2162

October 2, 2006